IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1212 OF 2006
IN
CRIMINAL APPEAL NO.1147 OF 2006

Deoman Sampat Mali ...Applicant

Versus

The State of Maharashtra ...Respondent

Shri M.B.Shirsat i/by Shri M.N.Sandhyandsir for the Applicant.

Shri D.P. Adsule, A.P.P for the Respondent.

CORAM : A. S. OKA, J.

DATE : NOVEMBER 27, 2006.

P.C.:

1. The Applicant has been convicted for the offence punishable under section 307 of the Indian Penal Code. The substantive sentence awarded by the learned Judge is the rigorous imprisonment for two years. The impugned order itself discloses that the Applicant has already undergone sentence for a period of three months and seven days. The Applicant was on bail from 16th August, 2006. Fine amount has been deposited. After order of conviction the learned Trial Judge protected the Applicant under section 389(3) of the Code of Criminal Procedure, 1973. Appeal is not likely to be heard before remaining period of sentence

is over. Considering the ratio in the decision of the Apex Court in the case of Bhagwan Rama Shinde Gosai and Others Vs. State of Gujarat [(1999) 4 Supreme Court Cases Page 421], the Applicant is entitled to be enlarged on bail.

2. Hence, the Application is disposed of by passing following order:

(i) The Applicant shall be enlarged on the same bail on which he was enlarged during the pendency of the trial subject to filing fresh bail bonds.

(ii) Bail is granted subject to condition that the Applicant will report to Satana Police Station, District Nasik on every first Saturday of every calendar month till the disposal of the Appeal.

JUDGE